## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:09-cy-491-RJC

ELIJAH JUNIOR SIMS,	)	
	)	
	)	
Vs.	)	<u>ORDER</u>
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	

**THIS MATTER** is before the Court on Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. No. 1).

## I. Initial Screening

The Court has conducted an initial screening of the petition under Rule 4(b) and finds that the petition has <u>not</u> been signed under penalty of perjury, Rule 2(b)(5), 28 U.S.C. foll. § 2255. The Court will, therefore, give Petitioner 30 days in which to resubmit his motion, and the motion <u>must be</u> signed under penalty of perjury. If Petitioner does not resubmit his motion, signed under penalty of perjury, within 30 days of entry of this Order, the Court will deny the motion without further notice.

## IT IS, THEREFORE, ORDERED that:

1. Petitioner shall have 30 days from entry of this Order in which to resubmit his motion to vacate, and the motion <u>must be</u> signed under penalty of perjury. If Petitioner does not resubmit his motion, signed under penalty of perjury, within 30 days of entry of this Order, the Court will deny the motion without further notice.

Signed: February 28, 2012

Robert J. Conrad, Jr. Chief United States District Judge